

## **WITNESS STATEMENT OF DAVID TRAMMEL**

PERSONALLY APPEARED, David Trammel, who, being duly sworn, stated as follows:

1. My name is David Trammel. I worked at Nan Ya Plastics Corporation, America's Lake City, South Carolina plant for 16 years. I left to take another job last year. I began working in November 1991 as a Production Supervisor in the POY-1 Area. I also served in several different capacities before becoming the Assistant Section Manager in Quality Control. I later became the Quality Control Section Manager.
2. I knew Cheryl Powell while I worked for Nan Ya. I was either an Assistant Section Manager or Section Manager in QC while she worked in the department as an Administrative Assistant. There are two QC offices, QC I and QC II. There were times when Cheryl Powell and I worked together in the QC I office. Towards the end of her employment, she worked in the QC II office and I worked in the QC I office. These offices are physically separated by several hundred yards.
3. At the time of Cheryl Powell's termination, Bruce Chen was the Director of Quality Control. He was my direct supervisor. I was Quality Control Section Manager and Travis Hyman was Quality Control Assistant Section Manager. Steve Page was the Section Manager for QCAP or Quality Control Auto Packing. My office was in the QC I office. Travis and Steve were in QC II. Bruce Chen has several offices, including one in QC I and QC II. He moved from place to place.
4. There were three Administrative Assistants in the QC Department. They all worked for Bruce Chen. However, Steve Page and I alternated in evaluating Administrative Assistants. There was no set pattern as to when Steve would evaluate them and when I would evaluate them. Bruce Chen usually used me for any personnel type issues, such as disciplinary actions, etc.

5. The document marked as "Defendant's Exhibit 6," and attached to this statement, is a Personnel Evaluation I completed for Cheryl Powell in 2004 for performance year 2003. She received a "C" which is an "improvement needed." This means that she received no raise. Out of the 70 employees in my section, there was usually no one who received a ranking that low. I cannot remember there ever being more than one "C" in any given year.
6. In Defendant's Exhibit 6, I noted that Cheryl had a problem with punctuality. This was typical throughout her employment. Cheryl had chronic issues with being late to work and late to lunch. It was usually only five or ten minutes. We would verbally counsel Cheryl and work with her. She would get better for a while and then she would return to her old lateness patterns. Because of the Managers' duties in the plant, often Cheryl could come to work or return from lunch late without us knowing. However, when we saw her, we would try to encourage her to be more punctual. I specifically noted in Defendant's Exhibit 6 that punctuality was an issue and she said she would be more punctual. However, this did not last.
7. I also noted in Defendant's Exhibit 6 that she needed to repeat instructions and training. Cheryl could answer the phone, file documents, and make copies. However, she continually struggled with learning even the most basic computer programs. She could not be relied on to accurately run reports, retrieve information from the computer system or the like. At times, I can remember other Admin Assistants complaining that we always went to them for the more complex jobs because Cheryl just could not do the work.
8. The entire time I was working in the QC Department of Nan Ya, Cheryl Powell was the worst Administrative Assistant we had. We all liked Cheryl as a person and covered for her, but she always struggled to achieve marginal performance.
9. The attached document called "Defendant's Exhibit 5" is a Performance Evaluation I did for Cheryl in 2003 for calendar year 2002, I noted that she needed to focus on time management. This was a reflection of her continual tardiness problem. I also noted that

she needed to understand reports, etc. She received a “competent” ranking which qualified for her pay raise. At this point in her career, Cheryl had been there several years and should have started developing into an experienced Admin Assistant. However, she failed to do so and continued to have tardiness problems.

10. The attachment marked “Defendant’s Exhibit 9” is an employee evaluation I completed in 2005 for calendar year 2004. I noted that she was “improving” and that she felt that she had the ability to do better. I also said that she needed to learn more computer skills and improve her speed. Cheryl was still a marginal employee at this time and had tardiness problems. However, if I had marked her as “needing improvement” for a second year in a row, her employment would have been terminated. For this reason, I said what little positive I could say about her to save her job.

11. The attachment marked “Defendant’s Exhibit 10” is an evaluation I gave Cheryl Powell in 2006 for calendar year 2005. I still noted that she needs to work on her technical abilities with reports, charts, etc. Cheryl continued to have problems. I noted her strengths to be “office housekeeping” and “courteous phone skills.” This should show that I was struggling to find something nice to say about her on her evaluation. This was the last evaluation that I gave Cheryl while she was at Nan Ya. After that, Steve Page evaluated her for a couple of years.


12. I was involved in a warning that was given to Cheryl Powell on February 21, 2007. It is attached and marked as “Defendant’s Exhibit 11.” I correctly noted that we had discussed attendance issues with her for years. I then warned her because she was five minutes late on February 15, 2007 and four minutes late on February 20, 2007.

13. Even though these were not long periods, they were very typical of Cheryl’s tardiness patterns. Defendant’s Exhibit 11 was a result of a Bruce Chen personally observing Cheryl being late on several occasions. Bruce was only in the QC Office from time to time. He told Page and me very pointedly that he wanted something done about Cheryl’s tardiness. In

fact, he told us he did not believe we were doing a good job as Section Managers if we could not get her to work on time. We knew Cheryl had had a continuing problem with tardiness so we gave her a written warning. I met with Cheryl, Steve Page, and Travis Hyman to give her the warning. Cheryl became upset and said that she did not think four or five minutes tardiness would really matter because of the "lax" atmosphere. At some point during the conversation, we told her that tardiness was not professional. She then said that other people in the office made unprofessional comments. She mentioned that some people have said that employees must get "under the boss' desk to get a promotion."

14. When I heard this comment, I told her that I would have to have Personnel investigate due to our Harassment Policy. She did not want Personnel to investigate, but I told her that under the Company's Harassment Policy, I had no option. I reported this to Eric Stevenson in the Personnel Office. It is my understanding that he conducted an investigation. I was not involved in the investigation. However, he followed up with several people.
15. Several days later, Cheryl was late again coming back from lunch. I was surprised that she was late again so soon. We gave a letter of counseling on March 1, 2009. It is attached as "Defendant's Exhibit 12." We made comments on the counseling that indicated she believed the counseling was connected to her upcoming evaluation. All we wanted her to do was to come to work on time. Cheryl made several comments regarding managers' use of time in the office. Managers should be using their time efficiently like everyone else. However, managers do not get paid overtime. The managers of Nan Ya usually come to work between 7:00 and 7:30 in the morning and work past 5:00 in the afternoon.
16. Cheryl's employment was terminated a couple of months later. I do not remember the exact date. I was not personally involved in the termination.

Pursuant to 28 U.S.C. §1746, I declare under penalty and perjury that the foregoing is true and correct.



David Trammel

Dated this 26<sup>th</sup> day of April, 2009

NAN YA PLASTICS CORP.-AMI CA  
Personnel Action Form - Change

Print on 1/17/03  
Return Before 3/ 1/03

===== Employee Information =====  
Name : POWELL, CHERYL H. Social Security No: 250133244

Original Hire Date : 3/08/99 FPG-USA Hire Date : 3/08/99  
Recently Rehire Date: 3/08/99 Affiliate Transfer Date : 0/00/00

===== New Employee or Present Data =====  
Present Data New (\*\* must be filled)

Effect Date 3/1/03 \*\*  
Location Name NAN YA PLASTICS CORP, A NALC  
Department Name Q.C. DEPARTMENT OFFICE 6310  
Job Code & Title ADAS ADMINISTRATIVE ASSISTANT  
Job Grade/Category 05 Assistant AT  
Performance Rating Merit Increase 4.0 % PG B Merit 4.0 %  
Promotional/Special Increase% (If any) X Prorated Factor .9808 Promo. % Special %  
Total Increase % = Prorated Merit Increase 3.923 % Total 3.923  
Yearly Base Salary 21,030.00 \$21,855  
Original Review Date 3/08/03 New review Date 3/1/04 \*\*

===== Comments & Information =====  
In grade 05.79  
Min: 19600.00  
Mid: 26300.00  
Max: 29400.00  
Compa-Ratio is .80 To .89  
Curr. salary/Mid 1.01 To 1.09  
= .79 1.09 (>=1.10)  
Merit Increase  
C B A A+  
4.00 5.00 6.00  
3.50 4.50 5.50  
3.00 4.00 5.00  
2.50 3.50 4.50  
2.00 3.00 4.00

===== Salary History (up to latest three) =====  
Effect Date Loc. Dept Job Grade Job Salary Perfm. Incrs% Incrs% Incrs% Incrs%  
Code Code Code Cat. /Wage Rating Merit Promo. Speci. Total  
3/08/02 NALC 6310 05 AT 21,030.00 B 4.00 4.00  
3/08/01 NALC 6310 05 AT 20,221.00 B 3.50 4.00 7.50  
3/08/00 NALC 6310 04 AT 18,810.00 A 4.50 4.50

===== Approvals =====  
1. Supervisor / Department Manager 3. Division Head

Name: [Signature]  
Date: 2/10/03

Name: [Signature]  
Date: 4-21-03

2. Plant Manager / Director

4. President Office

Name: [Signature]  
Date: [Signature]

Name:

Date:

===== Personnel/Payroll Only =====

Emp. Status: A / Class.: F / Group: S / Pay Schedule Date: 15 MAY 2003

Personnel: [Signature] 4/23/03 [Signature] 2/8

Payroll: [Signature]

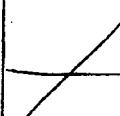
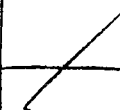
DEFENDANT'S  
EXHIBIT 5

Powell

## Side 1

Employee Cheryl L. Evaluation Date     /    /      
Position \_\_\_\_\_ Hire Anniversary Date     /    /    

## HUMAN RESOURCE DEVELOPMENT PERFORMANCE RATING

• PART A: FOR ALL EMPLOYEES		Evaluation Points
1.	<b>DEVELOPMENT OF SELF</b> Degree to which growth and continual improvement is sought, as evidenced by creating and implementing an Individual Development Plan, and meeting Master Training Plan requirements.	7
2.	<b>COLLABORATION</b> Able to work/cooperate with others on an individual or group basis.	7
3.	<b>DILIGENCE AND ETHICS</b> Earnest and persistent effort to accomplish what is undertaken while adhering to strong ethical principles, and, working with honesty and integrity in dealings with co-workers and customers.	7
4.	<b>GOAL SETTING AND ACHIEVEMENT</b> Able to define and prioritize goals/objectives and to carry out specific courses of action for self and/or others to achieve them; possesses extraordinary commitment of time and energy to ensure task/goal achievement.	7
5.	<b>VERSATILITY</b> Able to modify one's own behavioral style to respond to the needs of others while maintaining one's own objectives and sense of dignity.	7
• PART B: FOR ALL SUPERVISOR AND ABOVE POSITIONS		
6.	<b>LEADERSHIP</b> Able to influence the actions and opinions of others in a desired direction: exhibits judgment in leading others to worthwhile objectives. A leader is someone who develops and inspires a realistic, achievable shared vision, challenges the process, enables others to act in a planned manner in order to attain practical results, and with emotional maturity, models the way while encouraging the heart.	
7.	<b>DEVELOPMENT OF OTHERS</b> Effectiveness and thoroughness of managerial efforts to develop the knowledge, skills and abilities of subordinates, as measured by the implementation of staff Individual Development Plans, attaining Departmental Master Training Plan objectives, and the diligence displayed in meeting the requirements of the <i>Performance Review and Evaluation Guideline</i> .	
<b>AVERAGE of EVALUATION POINTS</b>		

\*See Section 6.4 for an explanation of EVALUATION POINTS and how they relate to a person's Performance Grade and Rating.

- I. HUMAN RESOURCE DEVELOPMENT PERFORMANCE RATING [30% weight]  
Average of Evaluation Points (from above) 70 x .30 =
- II. INDIVIDUAL ANNUAL GOALS [70% weight]  
Average of Evaluation Points (from Attachment 1) 77 x .70 =
- III. RECOMMENDED OVERALL RATING SUMMARY - EVALUATION POINTS

$$\begin{array}{r} 21 \\ \hline 54 \\ \hline \end{array}$$

YOUR RATING IS (Circle One)	OUTSTANDING A+ 93 - 100	EXCEEDS EXPECTATIONS A 85 - 92	COMPETENT B 70 - 84	IMPROVEMENT NEEDED C 60 - 69	NOT ACCEPTABLE D 59 and below
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**SIDE 2 MUST BE COMPLETED [SEE OVER]**

## RATING SUMMARY

Side 2

This side must be completed prior to submission and final approval.

### Immediate Supervisor's Comments:

Overall good Admin. Asst. Need to focus on Time Mgmt.  
Understand Details of reports and what Mgr. is looking for in reports.


### Employee has these particular strengths:

1. CoAs
2. Safety & Housekeeping
3. Helpful.

### Areas for further development or improvement are:

1. Time management.
2. Analysis of Admin. paperwork - Spot potential problems and bring to Mgrs. attention.

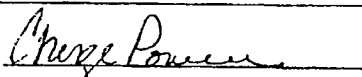
Initial Preparation By

  
(Immediate Supervisor)

Date 2/10/03

### Employee's Comments:

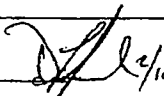
Employee's Signature



Date 2/10/03

### Approving Manager's Comments:

Approved By

 Date 2/10/03

Original of this document to Personnel Department

▪ ATTACH ADDITIONAL SHEET IF MORE SPACE IS REQUIRED



# INDIVIDUAL ANNUAL GOALS

For (Year) 2003

- Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter. Employee Name: Cheryl Powell
2. At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form.
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

Reviewed By :

Employee and Supervisor Initial and Date at each Quarterly Review	March	June	September	December
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For Salary Employees (Section Manager and above use Form # PM42)

(To be filled out on the copy attached to the evaluation)

Overall Evaluation Points

Goal #	(1) Description of Goals/Responsibilities	(2) Performance Expectations; Standards	(3) Target Date	(4) Self-Evaluation: Actual Performance vs. Standards	(5) Supervisor's Evaluation	Evaluation Points
1.	SAFETY	Data Entry for Safety Council Mgs. Provide the paperwork for topic to be trained. Alert supv. When any employee did not get trained.	New Year			
2.	RESPONSIBILITY	To be precise and accurate, pay close attention to detail and instructions made to me by my Department Head as well as my immediate supervisor. Push for the Excel program to be reinstated to generate error free COA's. This will provide a more controlled COA that will show the customer a little variance in the different jobs. Much time saved by using the Excel worksheet comparison than looking up previous history in the hard copies due to not accessible on access program.	New Year			
3.	COST CONTROL	To encourage limited usage of supplies and monitor the budget for the lab and report status to manager.	New Year			
4.	CUSTOMER SERVICE	Become more knowledgeable of all types of Staple Fiber requirements and the customers expectations. Deliver	New Year			
5.	HOUSEKEEPING	Maintain a clean kept office, which includes filing.	New Year			

# **INDIVIDUAL ANNUAL GOALS**

For (Year) 2002-2003

1. Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
2. At the time of the annual evaluation make a copy of this form and the previous years' goals to attach to the evaluation form.
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

Employee Name: Cheryl Powell  
Reviewed By: \_\_\_\_\_

6.	SAFETY	Work smarter to avoid mistakes that could cause confusion to others.	Now	First. Making my surroundings 100% safe within my capacity. For Admin. Responsibility I've learned of the Monthly Safety Meeting importance..	Good.	9
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# INDIVIDUAL ANNUAL GOALS

For (Year) 2002-2003

- Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
- At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form.
- List Overall Evaluation Points on the copy that is attached to the evaluation.

Employee Name: Cheryl Powell  
Reviewed By: \_\_\_\_\_

Employee and Supervisor Initial and Date	March	June	September	December
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For Salary Employees (Section Manager and above use Form # PM42)

(To be filled out on the copy attached to the evaluation)

Overall Evaluation Points \_\_\_\_\_

Goal #	(1) Description of Goals/Responsibilities	(2) Performance Expectations: Standards	(3) Target Date	(4) Self-Evaluation: Actual Performance vs. Standards	(5) Supervisor's Evaluation	Evaluation Points
1.	TRAINING	Always willing to learn new duties.	Now	Top notch. Took over all of QC daily Admin. Duties as well as Payroll: Created new folders to record logs, Sample Requisitions, Analysis Report, Filament Quality Report. Provide DTY/POY COA's for Sales. Getting a grip on all the extra filing.	- Study new details.	7
2.	STAPLE FIBER CUSTOMER REQUIREMENTS	Record on the COA's the physical properties, the customer expect to receive. Commitment for an error free COA every time.	Now	Better. Have created a formula that revises the COA when need to be within ranges. Banner year in fiber sales. Customers are pleased.	Good	8
3.	COST / EXPENSE CONTROL	Deliver an accurate COA that the customer will always be satisfied that they will come back for more. Also, save the company money by using good judgement when purchasing office supplies, do not waste and utilize time wisely. Do not use overtime when a job is not urgent.	Now	Best. Banner year in fiber sales. Best. Limited time on OT, even when shipments have increased to 50 truckloads a day. Works smarter and more efficiently because of more responsibility given. Learning from the experiences.	1. Too much overtime. 2. Work on time input.	7
4.	STAPLE FIBER PHYSICAL LAB	Help the Physical Lab key properties of lots so it will free analysis to perform Quality testing on our products.	Now	Team player. I go in each morning to see if they need help and I key results.	OK.	7
5.	HOUSEKEEPING	Try to keep the office clean, organized, and files sorted.	Now	Satisfactory. Always working on the appearance my work are and office.	Good	8

NAN YA PLASTICS CORP.-AM ICA  
Personnel Action Form - Change

240

Print on 2/18/04  
Return Before 3/ 1/04

===== Employee Information =====

Name : POWELL CHERYL H.

Employee ID: 2201462

Alias: POWELL, CHERYL, H.

Original Hire Date : 3/08/99

FPG-USA Hire Date : 3/08/99

Recently Rehire Date: 3/08/99

Affiliate Transfer Date : 0/00/00

===== New Employee or Present Data =====

Present Data

New (\*\* must be filled)

Effect Date

Location Name

NAN YA PLASTICS CORP, A NALC

3/1/04 \*\*

NALC

Department Name

Q.C. DEPARTMENT OFFICE 6310

6310

Job Code & Title

ADAS ADMINISTRATIVE ASSISTAN

ADAS

Job Grade/Category

05 Assistant

AT

05

Performance Rating  
/ Merit Increase %

Merit Increase

0 %

PG C

Merit

0 %

Promotional/Special  
Increase% (If any)

X Prorated Factor 1.0000

Promo. — %

Special — %

Total Increase %

= Prorated Merit  
Increase

0 %

Total

0 %

Yearly Base Salary  
or Hourly Wage

21,855.00

\$21,855 —

Original Review Date 3/01/04

New review Date

3/1/05 \*\*

===== Comments & Information =====

In grade 05,

#####

Merit Increase

#####

Min: 19600.00

Compa-Ratio

C

B

A

A+

Mid: 26300.00

Max: 29400.00

.80 (<=.79)

3.00 4.00 5.00

.80 To .89

2.50 3.50 4.50

Compa-Ratio is

.90 To 1.00

2.00 3.00 4.00

Curr. salary/Mid

1.01 To 1.09

1.50 2.50 3.50

= .83

1.09 (>=1.10)

1.00 2.00 3.00

===== Salary History (up to latest three) =====

Effect Date	Loc. Code	Dept Code	Job Grade	Job Cat.	Salary /Wage	Perfm. Rating	Incrs% Merit	Incrs% Promo.	Incrs% Speci.	Incrs% Total
3/01/03	NALC	6310	05	AT	21,855.00	B	3.92			3.92
3/08/02	NALC	6310	05	AT	21,030.00	B	4.00			4.00
3/08/01	NALC	6310	05	AT	20,221.00	B	3.50	4.00		7.50

1. Supervisor / Department Manager

3. Division Head

Name:

Name:

Date:

Date:

2. Plant Manager / Director

4. President Office

Name:

Name:

Date:

Date:

===== Personnel/Payroll Only =====

Emp. Status: A / Class.: F / Group: S /

Pay Schedule Date: 15 JUN 2004

Personnel:

5/24

8/31

Payroll:

SCANNED

DEFENDANT'S  
EXHIBIT

Powell

# SALARY EVALUATION FORM

Page 1 of 2

Employee Cheryl Powell

Evaluation Date 3/1/04

Position Admin Asst.

Hire Date 3/8/99

ID # 2201462

## PERSONAL PERFORMANCE RATING

• PART A: FOR ALL EMPLOYEES		Evaluation Points
1.	<b>DEVELOPMENT OF SELF</b> Degree to which growth and continual improvement is sought.	5/10
2.	<b>TEAMWORK</b> Able to work/cooperate with others on an individual or group basis.	7/10
3.	<b>DILIGENCE AND ETHICS</b> Earnest and persistent effort to accomplish what is undertaken while adhering to strong ethical principles and working with honesty and integrity in dealing with co-workers and business associates.	9/10
4.	<b>GOAL SETTING AND ACHIEVEMENT</b> Able to define and prioritize goals/objectives and to carryout specific courses of action for self and/or others to achieve them. Possesses commitment of time and energy to ensure task/goal achievement.	5/10
5.	<b>VERSATILITY</b> Displays multi-functional skills and had the ability to handle different technical tasks. Demonstrates flexibility when working with others.	5/10
• PART B: FOR ALL ASSISTANT SUPERVISORS AND ABOVE POSITIONS		
6.	<b>LEADERSHIP</b> Demonstrates effective leadership through inspiring a shared vision, challenging the process, enabling others to act, modeling the way, and encouraging the heart.	N/A
7.	<b>DEVELOPMENT OF OTHERS</b> Effectiveness and thoroughness of managerial efforts to develop the knowledge, skills, abilities and performance of subordinates and others.	N/A
<b>AVERAGE of PERSONAL PERFORMANCE POINTS</b>		<u>31/50 = 62</u>

I. PERSONAL PERFORMANCE RATING [30% weight]  
Average of Evaluation Points (from above) 62 x .30 = 18.6

II. INDIVIDUAL ANNUAL GOALS [70% weight]  
Average of Evaluation Points (from Individual Annual Goals Sheet) 68 x .70 = 47.6

III. RECOMMENDED OVERALL RATING SUMMARY

66.2

Recommended Rating Is: [Circle One]	OUTSTANDING A+ 93 - 100	EXCEEDS EXPECTATIONS A 85 - 92	COMPETENT B 70 - 84	IMPROVEMENT NEEDED C 60 - 69	NOT ACCEPTABLE D 59 and below
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# SALARY EVALUATION FORM

Page 2 of 2

This side must be completed prior to submission and final approval.

## Immediate Supervisor's Comments:

Cheryl does what is asked of her, but still requires repeat instruction and training. Punctuality is of the utmost importance.

## Employee has these particular strengths:

1. Does what is Ask of her by Supervisors

## Areas for further development or improvement are:

1. Initiative
2. Follow-up/Recheck work.
3. Technical training/development.
4. Punctuality.
4. Accuracy

Initial Preparation By \_\_\_\_\_  
(Immediate Supervisor)

Date 1/1/04

## Employee's Comments:

- ✓ 1. I have purchased an excel self help instructional book to teach myself more on technical issues when doing daily work.
- ✓ 2. I have started taking notes so I will always look back, this will improve my mistakes, therefore producing accuracy.
- ✓ 3. I will try to be more punctual & have more helpful to come for Ann + Main.

Employee's Signature CHERYL POWELL

Date 3/4/04

## Approving Manager's Comments:

Cheryl has worked here several years. By this time she should be performing at a higher level (technically, responsibility, etc.). Improvement is needed.

Approved By \_\_\_\_\_

Date 2/29/04

Send original document to the Personnel Section, along with the Personnel Action Form (PAF) and the employee's Individual Annual Goals.

ATTACH ADDITIONAL SHEET IF MORE SPACE IS REQUIRED

# INDIVIDUAL ANNUAL GOALS.

For (Year) 2004 \_\_\_\_\_

Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter. Employee Name: Cheryl Powell  
 2. At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form.  
 3. List Overall Evaluation Points on the copy that is attached to the evaluation.

Reviewed By : \_\_\_\_\_

Employee and Supervisor Initial and Date	March	June	September	December
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For Salary Employees (Section Manager and above use Form #: PM42)

(To be filled out on the copy attached to the evaluation)

Overall Evaluation Points

3 1/2 = 6 1/2

Goal #	(1) Description of Goals/Responsibilities	(2) Performance Expectations; Standards	(3) Target Date	(4) Self-Evaluation: Actual Performance vs. Standards	(5) Supervisor's Evaluation	Evaluation Points
1.	SAFETY	Data Entry for Safety Council Mtgs. Provide the paperwork for topic to be trained. Alert supv. When any employee did not get trained.	New Year	There is so much more to Safety Training than data entry. Demonstrate safety by wearing proper PPE in the restricted areas. Reported to Safety of the need for a rug to be placed in the clock in/out house to prevent a slip/fall when the ice storm hit.	Good. Need to promote Safety by everyone to get perfect score.	9/10
2.	RESPONSIBILITY	To be precise and accurate, pay close attention to detail and instructions made to me by my Department Head as well as my immediate supervisor. Push for the Excel program to be installed to generate error free COA's. This will provide a more controlled COA that will show the customer a little variance in the different lots. Much time saved by using the Excel worksheet comparison than looking up previous history in the hard copies due to not accessible on access program.	New Year	Access program works well with the COA request by customers. Production of staple fiber is better, less changes are being made to COA's.	Some Errors in COA's, must strive for 0 errors. -Warning for being late, and counseled by Mgr.	5/10
3.	COST CONTROL	To encourage limited usage of supplies and monitor the budget for the lab and report status to manager.	New Year	Created the record keeping system. Keeping a copy of store stock issue requests in the labs so the following shift will not order duplicates.	-Need to Set a Good and show improve work - How else can you reduce cost?	7/10
4.	CUSTOMER SERVICE	Become more knowledgeable of all types of Staple Fiber requirements and the customers expectations. Deliver	New Year	Provides the customer with a certificate that assures the fiber purchased is what they need. Serves at banquets. I enjoy serving.	-Good	6/10
5.	HOUSEKEEPING	Maintain a clean kept office, which includes filing.	New Year	Focusing on a clean, organized office and desk area. Do what I am told to do, be a team player, help where I can be of help to someone.	-OK -Need more initiative. -Follow instructions.	7/10

# INDIVIDUAL ANNUAL GOALS

For (Year) 2005

1. Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
2. At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form.
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

Employee Name: Cheryl Powell  
 Employee ID: \_\_\_\_\_  
 Reviewed By: \_\_\_\_\_

Employee and Supervisor Initial and Date	March	June	September	December
--	-------	------	-----------	----------

For Salary Employees (Section Manager and above use Form #: PM42)

(To be filled out on the copy attached to the evaluation)

Overall Evaluation Points \_\_\_\_\_

Goal #	(1) Description of Goals/Responsibilities	(2) Performance Expectations; Standards	(3) Target Date	(4) Self-Evaluation: Actual Performance vs. Standards	(5) Supervisor's Evaluation	Evaluation Points
1.	<b>Safety</b> 1. Contribute to the beauty and safety of our surroundings. 2. Create a safe and healthy workplace by reporting any preventable accidents.	1. Communicate to my supervisor when I see a possible hazard for our people or myself. Lead by example. 2. Wear PPE in required work area. 3. Avoid careless actions and speech.	Today			
2.	<b>Housekeeping</b> 1. Create a clean office/Always organize the work area to keep it safe, and in an orderly fashion, presentable to visitors.	Put away what is not being used. Do what can be done and ask what needs to be done. Do what I say I can.	Today			
3.	<b>Personnel/Payroll</b> Become aware of changes in lives/Communicate with our people, serve our peoples' needs better. Assist when employees need personal assistance.	1. Provides an accurate record of time in and out. Knowing the employees' need and providing what is available for them. 2. Always have a caring attitude, helpful to each employee.	Today			
4.	<b>Data Entry/Reports/Charts</b> Prepare correctly 1 <sup>st</sup> time, be efficient/Deliver professionally.	1. Be fast, quick when charting dynamometer charts. 2. Be readily available for accessing. Transform idleness into focusing on priority. Become fast. Study the management needs and provide for their successfulness.	Today			
5.	<b>OBAs &amp; Customer Issues</b>					

6. Self-Evaluation  
 Form # PM41 Rev. 5/99 See Section 6.4 of the Guidelines for Performance Review and Evaluation for Performance Ratings, Performance Grades and Evaluation Points.  
 P:\FORMS\PM41 INDIVIDUAL ANNUAL GOALS (SALARY)



250-13-3244

NAN YA PLASTICS CORP.-AM CA Print on 2/08/05  
 Personnel Action Form - Change 225 Return Before 3/ 1/05

===== Employee Information =====

Name : POWELL CHERYL H. Employee ID: 201462

Alias: POWELL, CHERYL, H.

Original Hire Date : 3/08/99

FPG-USA Hire Date : 3/08/99

Recently Rehire Date: 3/08/99

Affiliate Transfer Date : 0/00/00

===== New Employee or Present Data =====

Present Data New (\*\* must be filled)

Effect Date 3/1/05 \*\*  
 Location Name NAN YA PLASTICS CORP, A NALC NPca NALC  
 Department Name Q.C. DEPARTMENT OFFICE 6310 QC Dept. Office 6310  
 Job Code & Title ADAS ADMINISTRATIVE ASSISTAN ADAS ADMIN ASST.  
 Job Grade/Category 05 Assistant AT 05 Assistant AT  
 Performance Rating Merit Increase 3.0 % PG B Merit 3.00 %  
 /Merit Increase %  
 Promotional/Special X Prorated Factor 1.0000 Promo. — % Special — %  
 Increase% (If any)  
 Total Increase % = Prorated Merit 3.0 % Total 3.00 %

Yearly Base Salary 21,855.00

or Hourly Wage

Original Review Date 3/01/05

New Review Date 3/1/06 \*\*

===== Comments & Information =====

In grade 05,		##### Merit Increase #####				
Min:	20384.00	Compa-Ratio	C	B	A	A+
Mid:	27352.00					
Max:	30576.00	.80 (<=.79)		3.00	4.00	5.00
		.80 To .89		2.50	3.50	4.50
		.90 To 1.00		2.00	3.00	4.00
Compa-Ratio is		1.01 To 1.09		1.50	2.50	3.50
Curr. salary/Mid		1.09 (>=1.10)		1.00	2.00	3.00
= .79						

===== Salary History (up to latest three) =====

Effect Date	Loc. Code	Dept Code	Job Grade	Job Cat.	Salary /Wage	Perfm. Rating	Incrs% Merit	Incrs% Promo	Incrs% Spec	Incrs% Total
3/01/03	NALC	6310	05	AT	21,855.00	B	3.92			3.92
3/08/02	NALC	6310	05	AT	21,030.00	B	4.00			4.00
3/08/01	NALC	6310	05	AT	20,221.00	B	3.50	4.00		7.50

===== Approvals =====

1. Supervisor / Department Manager 3. Division Head

Name: [Signature]

Name: [Signature]

Date: [Signature]

Date: [Signature]

2. Plant Manager / Director

4. President Office

Name: [Signature]

Name: [Signature]

Date: [Signature]

Date: [Signature]

===== Personnel/Payroll Only =====

Emp. Status: A / Class.: F / Group: S / Pay Schedule Date: / /

Personnel: [Signature] 5/2/05 Payroll:

DEFENDANT'S  
EXHIBIT 9

# SALARY EVALUATION FORM

Page 1 of 2

Employee Cheryl Powell

Evaluation Date     /    /    

Position                                     

Hire Date     /    /    

ID #                                     

## PERSONAL PERFORMANCE RATING

• PART A: FOR ALL EMPLOYEES		Evaluation Points
1.	<b>DEVELOPMENT OF SELF</b> Degree to which growth and continual improvement is sought.	7
2.	<b>TEAMWORK</b> Able to work/cooperate with others on an individual or group basis.	8
3.	<b>DILIGENCE AND ETHICS</b> Earnest and persistent effort to accomplish what is undertaken while adhering to strong ethical principles and working with honesty and integrity in dealing with co-workers and business associates.	7
4.	<b>GOAL SETTING AND ACHIEVEMENT</b> Able to define and prioritize goals/objectives and to carryout specific courses of action for self and/or others to achieve them. Possesses commitment of time and energy to ensure task/goal achievement.	7
5.	<b>VERSATILITY</b> Displays multi-functional skills and had the ability to handle different technical tasks. Demonstrates flexibility when working with others.	6
• PART B: FOR ALL ASSISTANT SUPERVISORS AND ABOVE POSITIONS		
6.	<b>LEADERSHIP</b> Demonstrates effective leadership through inspiring a shared vision, challenging the process, enabling others to act, modeling the way, and encouraging the heart.	
7.	<b>DEVELOPMENT OF OTHERS</b> Effectiveness and thoroughness of managerial efforts to develop the knowledge, skills, abilities and performance of subordinates and others.	
<b>AVERAGE of PERSONAL PERFORMANCE POINTS</b>		<u>35/50 = 70</u>

I. PERSONAL PERFORMANCE RATING [30% weight]  
Average of Evaluation Points (from above) 70 x .30 = 21.0

II. INDIVIDUAL ANNUAL GOALS [70% weight]  
Average of Evaluation Points (from Individual Annual Goals Sheet) 85 x .70 = 79.5

III. RECOMMENDED OVERALL RATING SUMMARY

80.5

Recommended Rating Is: [Circle One]	OUTSTANDING A+ 93 - 100	EXCEEDS EXPECTATIONS A 85 - 92	COMPETENT B 70 - 84	IMPROVEMENT NEEDED C 60 - 69	NOT ACCEPTABLE D 59 and below
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## SALARY EVALUATION FORM

Page 2 of 2

This side must be completed prior to submission and final approval.

### Immediate Supervisor's Comments:

Improving in Areas requested.


### Employee has these particular strengths:

Has ability to improve and is accomplishing this.

### Areas for further development or improvement are:

- Continue improving attendance.  
- Learn more computer skills, improve speed.

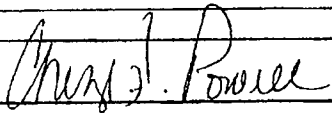
Initial Preparation By

  
(Immediate Supervisor)

Date 2/22/05

### Employee's Comments:

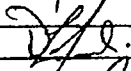
Employee's Signature



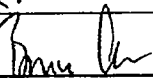
Date 2/24/05

### Approving Manager's Comments:

Improved.



Approved By



Date 2/24/05

Send original document to the Personnel Section, along with the Personnel Action Form (PAF) and the employee's Individual Annual Goals.

- ATTACH ADDITIONAL SHEET IF MORE SPACE IS REQUIRED

# INDIVIDUAL ANNUAL GOALS

1. Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
2. At the time of the annual evaluation make a copy of this form and the previous year's goals to attach to the evaluation form.
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

For (Year) 2005

Employee Name: Michael Felix  
Employee ID: 201462  
Reviewed By: [Signature]

Employee and Supervisor Initial and Date at each Quarterly Review	March	June	September	December
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For Salary Employees (Section Manager and above use Form # PSD-2)

(To be filled out on the copy attached to the evaluation)

Overall Evaluation Points 34/40 = 85

Goal #	(1) Description of Goals/Responsibilities	(2) Performance Expectations; Standards	(3) Target Date	(4) Self-Evaluation: Actual Performance vs. Standards	(5) Supervisor's Evaluation	Evaluation Points
1.	<b>Safety</b> Contribute to the beauty and safety of our surroundings. Create a safe and healthy workplace by reporting any preventable accidents.	1. Communicate to my supervisor when I see a possible hazard for our people or myself. Lead by example. 2. Wear PPE in required work area. 3. Avoid careless actions and speech.	Today	Makes sound decisions. Ex: 1. Prevented slips and falls by winterizing when ice. 2. Supplied employees with PPE. 3. Lead by example, encourages positive attitude. 4. Continually trying to become better.		10
2.	<b>Housekeeping</b> Create a clean office/Always organize the work area to keep it safe, and in an orderly fashion, presentable to visitors.	Put away what is not being used. Do what can be done and ask what needs to be done. Do what I say I can.	Today	Improved on cleanliness: 1. Keep computers, file cabinets, desk, and corners cleaned. 2. Insured the office equipment was always working.		8
3.	<b>Personnel/Payroll</b> Become aware of changes in lives/Communicate with our people, serve our peoples' needs better. Assist when employees need personal assistance.	1. Provides an accurate record of time in and out. Knowing the employees' need and providing what is available for them. 2. Always have a caring attitude, helpful	Today	Has excellent persuasive ability: Ex 1. Respect others with dignity. 2. Encourages cooperative action. 3. Dedicated to completing a job. 4. Is stable and patient under pressure.		8

# **INDIVIDUAL ANNUAL GOALS**

1. Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
2. At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form.
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

For (Year) 2005

Employee Name: Theresa J. Parker  
Employee ID: 201220

Reviewed By: \_\_\_\_\_

4. Data Entry/Reports/Charts Prepare correctly 1 <sup>st</sup> time, be efficient/deliver professionally.	Today	Efficient. Ex: 1. Prepares dynafit graphs for POY. Initiated actions to find the correct formula to chart Interface Scans. 2. Performs many tasks Supervisors were responsible for. 3. Focused on meeting deadlines for our inside customers (other departments). 4. Ability to define priorities in the QC department and mastered the job professionally. 5. Demonstrates an ability to overcome internal barriers.	8
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CONFIDENTIAL

# INDIVIDUAL ANNUAL GOALS

For Year 2005

1. Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
2. At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form.
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

Employee Name: Chris Poulce  
 Employee ID: \_\_\_\_\_  
 Reviewed By: \_\_\_\_\_

Employee and Svr/Mgr Initial and Date	March	June	September	December
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For Salary Employees (Section Manager and above use Form #: PN42)

(To be filled out on the copy attached to the evaluation)

Overall Evaluation Points \_\_\_\_\_

Goal #	(1) Description of Goals/Responsibilities	(2) Performance Expectations; Standards	(3) Target Date	(4) Self-Evaluation: Actual Performance vs. Standards	(5) Supervisor's Evaluation	Evaluation Points
1.	<b>Safety</b> 1. Contribute to the beauty and safety of our surroundings. 2. Create a safe and healthy workplace by reporting any preventable accidents.	1. Communicate to my supervisor when I see a possible hazard for our people or myself. Lead by example. 2. Wear PPE in required work area. 3. Avoid careless actions and speech.	Today			
2.	<b>Housekeeping</b> 1. Create a clean office/Always organize the work area to keep it safe, and in an orderly fashion, presentable to visitors.	Put away what is not being used. Do what can be done and ask what needs to be done. Do what I say I can.	Today			
3.	<b>Personnel/Payroll</b> Become aware of changes in lives/Communicate with our people, serve our peoples' needs better. Assist when employees need personal assistance.	1. Provides an accurate record of time in and out. Knowing the employees' need and providing what is available for them. 2. Always have a caring attitude, helpful to each employee.	Today			
4.	<b>Data Entry/Reports/Charts</b> Prepare correctly 1 <sup>st</sup> time, be efficient/Deliver professionally.	1. Be fast, quick when charting dynafit, denser charts. 2. Be readily available for accessing. 3. Transform idleness into focusing on priority. Become fast. Study the management needs and provide for their success/failure.	Today			
5.	<b>OBAs &amp; Customer Issues</b>					

6. Self-Development  
 Form #: PN41 Rev. 5/99 See Section 6.4 of the Guideline for Performance Review and Evaluation for Performance Ratings, Performance Grades and Evaluation Points.  
 PNFORMSPN041 INDIVIDUAL ANNUAL GOALS (SALARY)

250-13-3244

NAN YA PLASTICS CORP.-AM CA

Personnel Action Form - Change

Print on 3/13/06

Return Before 3/1/06

Name : POWELL

CHERYL

H.

Employee ID: 201462

Alias: POWELL, CHERYL, H.

Original Hire Date : 3/08/99

USA Hire Date : 3/08/99

Recently Rehire Date: 3/08/99

Affiliate Transfer Date : 0/00/00

New Employee or Present Data

Present Data

New (\*\* must be filled)

Effect Date

Location Name

NAN YA PLASTICS CORP, A NALC

Department Name

Q.C. DEPARTMENT OFFICE 6310

Job Code &amp; Title

ADAS ADMINISTRATIVE ASSISTAN

Job Grade/Category

05 Assistant

AT

Performance Rating  
/Merit Increase %

Merit Increase

2.50 %

PG B

Merit 2.5 %

Promotional/Special  
Increase% (If any)

X Prorated Factor

1.0000

Promo.

% Special

Total Increase %

= Prprated Merit

2.50 %

Total 2.50 %

Yearly Base Salary  
or Hourly Wage

22,511.00

Original Review date

3/01/06

New Review Date

3/1/07 \*\*

Comments &amp; Information

In grade 05,

Min: 20384.00

Mid: 27352.00

Max: 30576.00

Compa-Ratio is

Curr. salary/Mid

= .82

#####

Merit Increase

#####

Compa-Ratio

C

B

A

A+

.80 (&lt;=.79)

3.00

4.00

5.00

.80 To .89

2.50

3.50

4.50

.90 To 1.00

2.00

3.00

4.00

1.01 To 1.09

1.50

2.50

3.50

1.09(&gt;=1.10)

1.00

2.00

3.00

Salary History (up to latest three)

Effect Date	Loc. Code	Dept Code	Job Grade	Job Cat.	Salary /Wage	Perfm. Rating	Incrs% Merit	Incrs% Promo.	Incrs% Speci.	Incrs% Total
3/01/05	NALC	6310	05	AT	22,511.00	B	3.00			3.00
3/01/03	NALC	6310	05	AT	21,855.00	B	3.92			3.92
3/08/02	NALC	6310	05	AT	21,030.00	B	4.00			4.00

1. Supervisor / Department Manager

3. Division Head

Name:

Name:

Date:

Date:

2. Plant Manager / Director

4. President Office

Name:

Name:

Date:

Date:

Personnel/Payroll Only

Emp. Status: A / Class.: F / Group: S /

Pay Schedule Date: / /

Personnel:

Payroll:

DEFENDANT'S  
EXHIBIT

10

# SALARY EVALUATION FORM

Page 1 of 2

Employee Cheryl Powell

Evaluation Date    /   /   

Position Admin Asst.

Hire Date    /   /   

ID #                     

## PERSONAL PERFORMANCE RATING

• PART A: FOR ALL EMPLOYEES		Evaluation Points
1.	<b>DEVELOPMENT OF SELF</b> Degree to which growth and continual improvement is sought.	7
2.	<b>TEAMWORK</b> Able to work/cooperate with others on an individual or group basis.	8
3.	<b>DILIGENCE AND ETHICS</b> Earnest and persistent effort to accomplish what is undertaken while adhering to strong ethical principles and working with honesty and integrity in dealing with co-workers and business associates.	8
4.	<b>GOAL SETTING AND ACHIEVEMENT</b> Able to define and prioritize goals/objectives and to carryout specific courses of action for self and/or others to achieve them. Possesses commitment of time and energy to ensure task/goal achievement.	8
5.	<b>VERSATILITY</b> Displays multi-functional skills and had the ability to handle different technical tasks. Demonstrates flexibility when working with others.	7
• PART B: FOR ALL ASSISTANT SUPERVISORS AND ABOVE POSITIONS		
6.	<b>LEADERSHIP</b> Demonstrates effective leadership through inspiring a shared vision, challenging the process, enabling others to act, modeling the way, and encouraging the heart.	
7.	<b>DEVELOPMENT OF OTHERS</b> Effectiveness and thoroughness of managerial efforts to develop the knowledge, skills, abilities and performance of subordinates and others.	
<b>AVERAGE of PERSONAL PERFORMANCE POINTS</b>		76

I. **PERSONAL PERFORMANCE RATING [30% weight]**  
Average of Evaluation Points (from above) 76 x .30 = 22.8

II. **INDIVIDUAL ANNUAL GOALS [70% weight]**  
Average of Evaluation Points (from Individual Annual Goals Sheet) 80 x .70 = 56.0

III. **RECOMMENDED OVERALL RATING SUMMARY**

78.8

Recommended Rating Is: (Circle One)	OUTSTANDING A+ 93 - 100	EXCEEDS EXPECTATIONS A 85 - 92	COMPETENT B 70 - 84	IMPROVEMENT NEEDED C 60 - 69	NOT ACCEPTABLE D 59 and below
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Cheryl Powell

SALARY EVALUATION FORM

Page 2 of 2

This side must be completed prior to submission and final approval.

Immediate Supervisor's Comments:

Cheryl has improved on the previous issues.

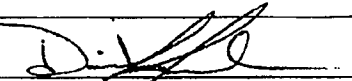
Employee has these particular strengths:

- Office housekeeping
- Courteous phone skills.

Areas for further development or improvement are:

- Technical abilities with reports, charts, etc.

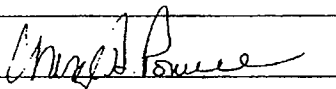
Initial Preparation By

  
(Immediate Supervisor)

Date 3/17/06

Employee's Comments:

Employee's Signature



Date 3/27/06

Approving Manager's Comments:

Approved By

Date / /

Send original document to the Personnel Section, along with the Personnel Action Form (PAF) and the employee's Individual Annual Goals.

- ATTACH ADDITIONAL SHEET IF MORE SPACE IS REQUIRED

## INDIVIDUAL ANNUAL GOALS

1. Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
2. At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

Employee Name: Cheryl H. Powell  
 Employee ID: 201462  
 Reviewed By: D. TRAMER

For (Year) 2006

Employee and Svr/Mgr Initial and Date at each Quarterly Review	March	June	September	December
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For Salary Employees (Section Manager and above use Form #: PN42) (To be filled out on the copy attached to the evaluation) **Overall Evaluation Points** 83

Goal #	(1) Description of Goals/Responsibilities	(2) Performance Expectations; Standards	(3) Target Date	(4) Self-Evaluation: Actual Performance vs. Standards	(5) Supervisor's Evaluation	Evaluation Points
1.	<b>Safety</b> - My goal is to stay focused on keeping our office equipment operational and mention to upper management where there are potential safety hazards.	1. Monitor the performance of our equipment. 2. Communicate to management of what I think needs addressed pertaining to the safety of our people.	Daily	Made sound decisions: 1. Ordered supplies/repair calls 2. Suggested Utilities fix A/C 3. Contributed to organization of our office and installing floor electrical cable covers. 4. Encouraging Assistant Supervisors to train employees on the monthly safety topics.	Good. Always promote Safety.	<u>9</u>
2.	<b>Housekeeping</b> - My goal is to create a pleasant, clean, and organized workplace. Become better disciplined at cleaning.	1. Seek opportunity to better organize. 2. Clean and put everything I know of in its place.	Daily	1. Start the day with an evaluation of our office equipment and provide for the necessary needs of the day.	Good.	<u>9</u>
3.	<b>Personnel/Payroll</b> My goals are to provide accurate information to Personnel so our people will be paid for their work done.	1. Being aware of when our people will be on vacation and have them to sign their AV.	Daily	1. Supported our people with reminders of importance to keep up with their hours of vacation left.	Need more detailed Attention. Watch for errors.	<u>7</u>

# **INDIVIDUAL ANNUAL GOALS**

1. Print one copy of this sheet at the beginning of each calendar year. Review these goals once a quarter.
2. At the time of the annual evaluation make a copy of this form and the previous years goals to attach to the evaluation form
3. List Overall Evaluation Points on the copy that is attached to the evaluation.

Employee Name: Cheryl H. Powell  
 Employee ID: 201462  
 Reviewed By: D. Damm

For (Year) 2006

4. Data Entry/Report/Charts My goals are to: 1. Get ready, set, go 2. Provide manager with the most updated results I can. 3. Prepare graphs accurately the first time. 4. Eliminate idleness.	Review shift log report daily. Report the results immediately. Provide support to management. Become less outspoken about personal issues.	Daily	Demonstrated management abilities by filling in when there are no supervisors.	- Need to expand Abilities and efficiency in these areas.
5.				
6.				



**NAN YA PLASTICS CORPORATION, AMERICA  
SOUTH CAROLINA PLANT**

140 EAST BEULAH ROAD, LAKE CITY, S.C. 29560  
TEL: 843-389-7800 FAX: 843-389-6897

TO: Cheryl Powell  
FROM: David Trammel *[Signature]*  
DATE: 2/21/07  
SUBJECT: Warning

In the past years, we have discussed attendance issues with you and you have received various disciplinary actions. After a period of correction on your part, we are again observing tardiness.

On 2/15/07 you were observed by Mr. Steve Page being 5 minutes late to work. On 2/20/07, the QC Director observed that you were late to work by 4 minutes. These occurrences warrant a Written Warning because you are a representative of our office management team. You should be an example of good attendance practices and not the exception to them.

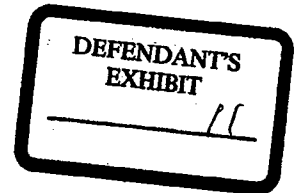
The following is a list of corrective actions that must be adhered to in order to avoid further serious disciplinary actions:

**Corrective Action Plan**

1. Do not be late to work or from lunch break.
2. Take appropriate breaks according to policy.
3. Do not miss excessive amounts of time from work.
4. Follow all policies and guidelines in QC in order to set a professional example for others.

I will correct the problem listed above without delay.

\_\_\_\_\_  
Cheryl Powell



*Because of the "lat" atmosphere in the office I didn't think 5-4 minutes would really impair my job work habits. I will try to become more professional as the other upper management. I know I'm to be at my desk @ 7:55 but I missed + didn't call in for 2 days. It's been a mad rush →*

at work. Loss of management on "I'm late  
for 2 days. Years past I disputed my  
hardiness, because false allegations.

Thank you.

Chris Powell 2/21/07

Employee ID #: 201462

**Letter of Counseling**  
NPCA - SC

Sect./Dept.: QC Department

Date: March 1, 2007

From: David Trammel

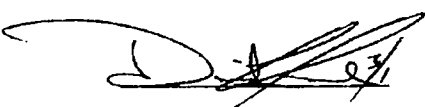
To: Cheryl Powell

Re: Tardiness

We have spoken to you on several occasions regarding the importance of punctuality and we have stressed this same issue in your evaluations. On 9/15/04 you received a Letter of Counseling because of poor performance including arriving late and leaving early. At that time you were told, "Any further problems, including attendance, will result in further disciplinary action, up to and including termination." Last week on 2/21/07 we warned you again about a growing problem with tardiness. In our discussion, you clearly indicated that you did not think that punctuality was very important. *(vs management's*

We are very disappointed that one week after our meeting, you were late again *in professional* coming back from lunch on 2/28/07. We are giving you this Letter of Counseling to *action in* stress to you that this pattern of behavior is not acceptable and will not be tolerated. *the office*

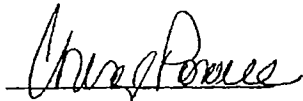
While we want you to be successful here, it is important that you demonstrate that you are willing to meet our expectations. Again be advised that additional problems, including attendance, may result in further disciplinary action, up to and including termination. *for more than 1/2 hour.*

  
David Trammel

DEFENDANT'S  
EXHIBIT

12

I have read and understand this letter.



Cheryl Powell

*Being late comes from deciding to go by Personnel, 2 water. The closer it gets to evaluations it seems that tardiness becomes an issue. I expect to be evaluated on quality of work, not just time of arrival. 2 late. This seems to be a problem with person-ality or trying to get rid of me because of upper management request! This is a problem I have w/ management.*

Page 1 of 1